

## **CHAPTER 50-19 MATERNITY HOMES**

**50-19-01. Definitions.** In this chapter, unless the context or subject matter otherwise requires:

1. "Department" means the department of human services.
2. "Maternity home for unmarried mothers" means any hospital, home, or other premises, operating especially to provide social services and maternity care to unmarried mothers and their infants, which receives more than one unmarried woman during any period of six months for shelter, care, or treatment during pregnancy, or delivery, or within sixty days after delivery. It does not include any hospital, home, or other premises owned or operated by state or federal governments.

**50-19-02. License required.** Any person, partnership, voluntary association, corporation, or limited liability company which operates a maternity home for unmarried mothers shall secure annually from the department a license as required in this chapter.

**50-19-03. Requirements for license.** A license for the operation of a maternity home for unmarried mothers must be issued by the department to a reputable and responsible person, partnership, voluntary association, corporation, or limited liability company, upon showing that:

1. The premises to be used are in fit sanitary condition and properly equipped to provide good care and treatment;
2. The persons in active charge of the home and their assistants are qualified by training and experience to carry on efficiently the duties required of them;
3. The home is to be conducted for the public good and in accordance with sound social policy; and
4. The health and well-being of the infants born therein and the health, morality, and well-being of the parties treated therein will be properly safeguarded.

**50-19-03.1. Conviction not bar to licensure - Exceptions.** Conviction of an offense does not disqualify a person from licensure under this chapter unless the department determines that the offense has a direct bearing upon a person's ability to serve the public as the owner or operator of a maternity home for unmarried mothers, or that, following conviction of any offense, the person is not sufficiently rehabilitated under section 12.1-33-02.1.

**50-19-04. Inspection and report by state department of health.** The department shall give notice to the state department of health of all applications for license to operate a maternity home for unmarried mothers. Upon receipt of such notice, the state department of health shall inspect the facilities and premises of the applicant to determine sanitary conditions and the adequacy of medical and nursing services and shall report its findings to the department.

**50-19-05. Contents of license.** The license to operate a maternity home for unmarried mothers issued under the provisions of this chapter must set forth:

1. The name of the licensee.
2. The premises to which the license is applicable.
3. The number of patients who may be received in such premises at any one time.

4. The date of expiration of the license.

**50-19-06. Regulation by department.** The department may prescribe forms for the registration and record of persons cared for in maternity homes for unmarried mothers and may adopt reasonable rules for the conduct of such homes as are necessary to carry out the purposes of this chapter. The department shall require reports from the licensee which must include a statement of plans made for the unmarried mother and her child.

**50-19-07. Inspection of maternity home for unmarried mothers and the records thereof.** The department and its authorized agents may inspect any maternity home for unmarried mothers licensed under this chapter at any time. The department and its agents shall have free access to every part of such home and to the records thereof, and they may see and interview the patients therein.

**50-19-08. Every birth attended by qualified physician.** Every birth occurring in a maternity home for unmarried mothers must be attended by a legally qualified physician. If none is available a registered nurse shall attend such birth and direct delivery services until the services of a legally qualified physician may be obtained.

**50-19-09. Reporting births.** The licensee of a maternity home for unmarried mothers shall report each birth occurring within the home to the state department of health in accordance with chapter 23-02.1 and to the department as may be provided by law.

**50-19-10. Records of maternity home confidential.** Except as otherwise authorized by law, no agent of the state department of health or the department, or the licensee, under this chapter, may disclose the contents of the records of a maternity home for unmarried mothers nor of the reports received from them, except:

1. In a judicial or administrative proceeding in response to an order of a court or administrative tribunal; or
2. For a law enforcement purpose to a law enforcement official or a health oversight agency for oversight activities authorized by law.

**50-19-11. Offer or advertise to dispose of infants prohibited.** No maternity home for unmarried mothers licensed under the provisions of this chapter may in any way offer to dispose of any child, or advertise that it will give children for adoption, or hold itself out, directly or indirectly, as being able to dispose of children, but may inform an unmarried mother of licensed child-placing agencies.

**50-19-12. Revocation of license.** The department may revoke a license of any maternity home for unmarried mothers upon a proper showing of any of the following:

1. Any of the conditions set forth in section 50-19-03 as requirements for the issuance of the license no longer exists.
2. The license was issued upon fraudulent or untrue representations.
3. The owner or operator has violated any of the rules of the department.
4. The owner or operator of the maternity home has been guilty of an offense determined by the department to have a direct bearing upon a person's ability to serve the public as an owner or operator, or the department determines, following the owner's or operator's conviction of any other offense, that the owner or operator is not sufficiently rehabilitated under section 12.1-33-02.1.

**50-19-13. Hearing on denial or revocation of license.** Before any application for a license to conduct a maternity home for unmarried mothers is denied or before the revocation of any such license by the department, written charges as to the reasons therefor must be served

upon the applicant or licensee, who has the right to a hearing before the department, if a hearing is requested within ten days after service of the written charges.

**50-19-14. Cooperation of interested persons and agencies.** The licensee of a maternity home for unmarried mothers, the physician, or other responsible person in attendance at birth, the state department of health and its agents, and the department and its agents shall cooperate in all measures and services for improving and safeguarding the health and social well-being of maternity patients and their infants cared for in a maternity home for unmarried mothers.

**50-19-15. Penalty.** Every person who violates any of the provisions of this chapter is guilty of a class B misdemeanor.